

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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GORDON ROY PARKER

Plaintiff,

vs.

UNIVERSITY OF PENNSYLVANIA

Defendant.

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CIVIL ACTION NO. 02-cv-567

PENN'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF  
ITS PENDING MOTION FOR SUMMARY JUDGMENT

Penn's pending Motion for Summary Judgment is based on the fact that the Plaintiff has brought this discrimination claim without ever having applied for a job. Thus far, Plaintiff has attempted to contest this fact by circumlocution, while unable to state that, in fact, he did apply for a job.

In the state court Libel action he filed over a news account of this discrimination case, his sworn testimony leaves no doubt that it is clear, even to him, that he did not apply for a job prior to commencing his claim:

Q. ...You did not indicate preference for any job category when you submitted your resume to the University of Pennsylvania, did you?

A. At that time, no. (p.29: Ln.12-15)

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Q. For many of the clerical positions for which you have testified you expressed interest, you could have clicked and applied for a job, couldn't you have?

A. I could have, yes.

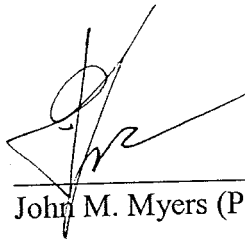
Q. And you did not in July of 2001; correct?

A. At that time, no, I did not. (p.31: Ln.6-12)

All of the pages of the trial transcript dealing with the issue of his failure to apply for a position are attached as Exhibit "A".

Accordingly, the Court should grant Penn's Motion for Summary Judgment and dismiss this action.

Date: September 11, 2003



John M. Myers (Pa. Id. No. 16642)

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# **EXHIBIT “A”**

IN THE COURT OF COMMON PLEAS  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

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GORDON ROY PARKER : SEPTEMBER TERM, 2002  
:   
vs. :   
:   
ERIC TILLES, THE DAILY :   
PENNSYLVANIAN, and CHRISTINA:   
YANG : NO. 1068  
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August 25, 2003

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Room 475, City Hall  
Philadelphia, Pennsylvania  
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BEFORE: HONORABLE ALFRED J. DIBONA, JR., J.

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APPEARANCES:

GORDON ROY PARKER  
Pro Se

JOHN M. MYERS, Esquire  
JONATHAN PYLE, Esquire  
Attorneys for Defendant,  
Eric Tilles, Esquire

JEANETTE MELENDEZ BEAD, Esquire  
Attorney for Defendant,  
The Daily Pennsylvanian  
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WAIVER TRIAL

MEG CLARK, RMR  
OFFICIAL COURT REPORTER

Gordon Roy Parker - Cross

1 MR. MYERS: Wait until the Judge  
2 gets it.

3 THE COURT: I will follow along as  
4 I do with juries.

5 MR. MYERS: Very well.

6 BY MR. MYERS:

7 Q. Mr. Parker, exhibit 15 is the resume that  
8 you submitted to the University of Pennsylvania in  
9 2001; is that correct?

10 A. Correct.

11 Q. Will you look at the top, the very first  
12 line. You did not indicate preference for any job  
13 category when you submitted your resume to the  
14 University of Pennsylvania, did you?

15 A. At that time, no.

16 Q. You did not apply for any specific position  
17 at the University of Pennsylvania when you  
18 submitted your resume, did you?

19 A. I applied for general consideration for the  
20 employment at Penn and did not submit for specific  
21 positions, correct.

22 Q. So you submitted for no specific position  
23 and no specific job category; correct?

24 A. No. I submitted for administrative. It is  
25 obvious from my resume that it is administrative.

Gordon Roy Parker - Cross

1 Q. Mr. Parker, would you look at exhibit 15.

2 A. Yes.

3 Q. The very first line says "Preferred Job  
4 Category." What did you put? Answer: "Other,"  
5 isn't it?

6 A. I can't state that I put that. I can state  
7 that it says that.

8 Q. You didn't put anything different from that  
9 in the searchable form that Penn provided, did  
10 you?

11 A. I do not see the searchable form here, so I  
12 could not answer that question.

13 Q. Well, you know that you didn't.

14 A. I don't know. I don't know. I don't have a  
15 copy of the form handy. If you have one, I would  
16 like to review it.

17 Q. When you went to the Penn Web site, you were  
18 able to search all existing open positions; is  
19 that correct?

20 A. I was able to search a listing of positions  
21 which were open. Whether or not they are all of  
22 them, I could not --

23 Q. For each of those open positions, with a  
24 click you could have applied for that particular  
25 position, couldn't you have?

Gordon Roy Parker - Cross

1 A. No, that is not correct.

2 Q. You couldn't click on the item and apply for  
3 the job with your resume?

4 A. Sometimes you can, sometimes you cannot.  
5 That is not always the case on the Penn Web site.

6 Q. For many of the clerical positions for which  
7 you have testified you expressed interest, you  
8 could have clicked and applied for a job, couldn't  
9 you have?

10 A. I could have, yes.

11 Q. And you did not in July of 2001; correct?

12 A. At that time, no, I did not.

13 Q. Would you turn to your exhibit M.

14 A. Hold on.

15 Q. Your exhibit M.

16 A. Do you have all of it here? Exhibit M.

17 Q. They are in the binder. Do you have it?

18 A. It is tough to find in the binder. I have  
19 it here, however.

20 Q. You recognize exhibit M as a page from the  
21 Penn human resources Web site that you had  
22 previously seen; correct?

23 A. Correct.

24 Q. Now, you just testified that the Web site  
25 told you that your resume would go to people for

Gordon Roy Parker - Cross

1 the kind of jobs you were interested in or  
2 something like that; right?

3 A. What I was -- what I said was, it says, "In  
4 addition you may be considered for any position  
5 for which you are qualified."

6 Q. Let's read that sentence to be sure the  
7 Judge gets it right. Tell me if I read it right.  
8 "Recruiters search the resume data base and  
9 forward your resumes to the hiring officers for  
10 positions you have expressed interest in if you  
11 meet the minimum qualifications." That's what the  
12 Web site says; correct?

13 A. Correct.

14 Q. And we just went over that in terms of the  
15 then open positions, you did not express specific  
16 interest in any of those positions at that time;  
17 correct?

18 A. I expressed categorical interest.

19 Q. Categorical interest in the job category  
20 "Other"; correct?

21 A. "Other" meaning not one specific, because I  
22 have multiple skills, namely, secretarial,  
23 administrative, tech support, et cetera.

24 Q. Now, you do agree with me, don't you, that  
25 it has been Penn's position in the federal case

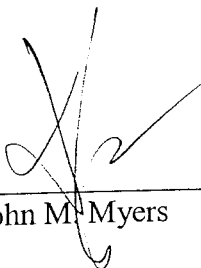


**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Supplemental Memorandum in support of the Pending Motion for Summary Judgment of Defendant University of Pennsylvania was served by way of First Class Mail, postage prepaid, on this 11<sup>th</sup> day of September, 2003 upon:

Gordon Roy Parker  
4247 Locust Street, #806  
Philadelphia, PA 19104

*Pro Se Plaintiff*



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John M. Myers